

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KROLL ONTRACK, INC.,

Civil 05-928 (JRT/FLN)

Plaintiff,

v.

ORDER

SEAN FOLEY,

Defendant.

GEORGE R. WOOD, **LITTLER MENDELSON**, 33 Sixth Street South, Suite 3110, Minneapolis, Minnesota 55402, for plaintiff.

DANIEL OBERDORFER, **LEONARD, STREET & DEINARD**, 150 South Fifth Street, Suite 2300, Minneapolis, Minnesota 55402, for defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 25, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendant's motion to dismiss is DENIED, and Defendant's motion to transfer to the Eastern District of Virginia is GRANTED [#3].

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 14, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge